



SO ORDERED.

SIGNED this 10th day of July, 2017.

LENA MANSORI JAMES
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN THE MATTER OF:)	No. B-15-81090 C-13D
Verjusta Lynn Bowser)	
)	
Debtor)	

**ORDER GRANTING DEBTOR'S MOTION TO MODIFY PLAN AND
TO INCUR INDEBTEDNESS**

On June 29, 2017, a hearing was held on the Debtor's Motion to Modify her Chapter 13 plan, pursuant to 11 U.S.C. §1329, and to incur indebtedness. The Debtor is the owner of a 2005 Acura ("the automobile") which has major mechanical problems and the Debtor is in need of replacement transportation for continued employment. The Debtor desires to surrender the automobile to American Credit Acceptance ("ACA") which holds a lien on the automobile. At the hearing, Koury Hicks, Esq. appeared on behalf of the Debtor and Richard M. Hutson II, Esq., Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtor's circumstances and that the Motion to modify the plan and to incur indebtedness should be granted; therefore, it is ORDERED:

1. The Motion by the Debtor to modify her plan pursuant to 11 U.S.C. §1329, and to incur indebtedness, is granted.
2. The automatic stay is modified and lifted to permit ACA to repossess the automobile and foreclose under its security agreement.
3. ACA shall have 120 days from the entry of this Order within which to file a documented deficiency claim for any deficiency realized on the liquidation of the collateral and failure to file a documented deficiency claim within said time will result in the surrender of the collateral being in full satisfaction of the indebtedness due.

4. The Debtor is permitted to purchase a replacement vehicle and finance an amount not to exceed \$18,000.00 payable with interest at a rate not to exceed 18% per annum, and principal and interest payable in monthly installments of not more than \$400.00.

5. The Debtor is authorized to execute such documents as may be required to effectuate the purchase and financing of the vehicle.

6. The authorization for the financing approved shall remain in effect for sixty (60) days from the entry of this Order.

7. The Debtor's plan payments are modified and are scheduled at \$120.00 per month effective July, 2017, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.

8. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtor's plan.

END OF DOCUMENT

PARTIES IN INTEREST

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